

**MEMORANDUM**

(Public Hearing 10-21-04)

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners**Date:** May 5, 2004**From:** George M. Burgess
County Manager**Subject:** Ordinance Providing Disposition
Of October 2003 Applications to
Amend the Comprehensive
Development Master Plan**RECOMMENDATION**

It is recommended that the Board approve the attached ordinance, which provides for adoption, adoption with change, or denial of pending October 2003 cycle applications to amend the Comprehensive Development Master Plan (CDMP). It is recommended that first reading occur at the conclusion of the public hearing scheduled for May 5, 2004, to address transmittal of the referenced applications to the Florida Department of Community Affairs (DCA) for review and comment. It is further recommended that final action be taken on the ordinance at the conclusion of the public hearing currently scheduled for October 2004.

BACKGROUND

The attached ordinance provides for final action on any October 2003 cycle small-scale amendments (Applications No. 1 thru 7) on which final action is not taken at the scheduled May 5, 2004 public hearing and which the Commission elects to transmit to DCA for further review.

This ordinance requests review and comment by DCA on all transmitted applications. It is estimated that DCA comments on the applications will be returned to the County in late August 2004. The County is required to take final action on transmitted applications within 60 days after receipt of DCA comments. The Department of Planning and Zoning may issue revised recommendations, and the Planning Advisory Board (Local Planning Agency) may conduct a second public hearing and may issue revised recommendations between the time DCA issues comments and the Commission conducts its final hearing. By approving this ordinance on first reading, the Board of County Commissioners is in a position to conduct a public hearing and take final action on the applications after receipt of comments from DCA.

ORDINANCE FORMAT

This ordinance follows the same general format used in previous years. That is, it contains blank space for recording your final action on each application. After the Board takes preliminary action on each application, the Board will take final action adopting the Ordinance in its entirety, incorporating the foregoing preliminary action. Section 2-116.1 of the County Code requires a minimum of seven affirmative votes to amend the CDMP.

As in the past, a complete set of reports and final recommendations pertaining to the subject CDMP amendment applications will be provided in advance of second reading. The schedule of final activities for the October 2003 amendment cycle anticipates that the Planning Advisory

Board acting as the Local Planning Agency will conduct its final hearing on the amendments in September 2004, and the Commission will conduct a single hearing and take final action at a conclusion of a public hearing to be scheduled in October 2004.

HOUSING IMPACT

All seven applications could impact housing by increasing or decreasing the potential supply. Applications No. 1-3 will increase the supply of housing by a total of 247 dwelling units. Application No. 5 could also increase the supply of housing because it seeks to redesignate a parcel from "Industrial and Office" to "Office/Residential." Depending on how the property is developed, Application No. 6, which seeks to redesignate a parcel from "Low Density Residential" to "Office/Residential," could increase or decrease the supply of housing.

Application No. 7 is a request for redesignation of residentially planned land to business or office on the CDMP Land Use Plan map. The supply of residential capacity would be diminished by 130 dwelling units if the application was adopted. The impact on housing costs would be to nominally increase the cost of residential land, and hence, increase housing costs. As the acreage involved is very small, the cost increase is not measurable at this point. However, over time as the incremental reductions in residential development capacity cumulate, the effects will ultimately be observable on average housing costs. Each year the DP&Z estimates 8,240 dwelling units are needed to meet demand.

FISCAL IMPACT

On October 23, 2001, the Board of County Commissioners adopted Ordinance 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. Applications No. 1-7 would modify the future Land Use Plan map designations of private parcels of land.

This amendment cycle is the fourth time that various County and non-county service agencies were required or requested to provide an evaluation of the estimated incremental and cumulative fiscal impact on Miami-Dade County for bringing such infrastructure and services to the application sites, as well as the cost of annually operating and maintaining infrastructure and services. As shown in detailed in the Initial Recommendations Report, the agencies took different approaches to providing information on fiscal impact including analyses of both costs and revenues, analyses of costs only, an analysis of the costs to serve the entire study area and a statement applicable to all application sites. The Department of Planning and Zoning will be working with these agencies over the next few amendment cycles to improve the quality of information that is provided to the Board of County Commissioners.

Some costs were not estimated for some application sites because the site does not have the service or it is provided by a municipality. Applications No. 2 and 3 are without sewer service. Application No. 4 will need to obtain sewer service from the City of West Miami. Water service for Application No. 1 is provided by the City of North Miami Beach.

Based on the information provided by service agencies, the fiscal impacts of the proposed land use changes vary based on type of request and location. The proposals involving non-residential development impact less services than the proposal for residential use. For example, the Park and Recreation Department limited its review to the proposals for residential development, which are Applications No. 1-3.

Of the three proposals for residential development, No. 1 and No. 3 will have the most significant fiscal impacts. Application No. 1 will have the highest sewer costs (\$888,030) including a new private pump station. Application No. 3 will have the highest estimated capital costs for schools (\$943,735).

The two proposals for redesignation to Office/Residential (Applications No. 5 and 6) primarily impact such services as fire, schools, water and sewer. For this type of request, Application No. 5 had the highest capital costs for schools (\$873,109). Application No. 6 had the highest capital cost for water and sewer facilities (\$1,127,317).

The proposals for redesignation to Business and Office (Applications No. 4 and 7) primarily impact two services, fire and rescue and water and sewer. For these applications, the fiscal impact of the proposed redesignations on fire and rescue services is that the estimated impact to the budget will be increased.

Application No. 7 will have limited impact on the revenues for most governmental services that are provided to the site. This application site is located within a Tax Increment Financing District, approved in July 2003, for the Naranja Lakes Community Redevelopment Area (CRA). Except for the Children's Trust, the real property tax revenues generated by developing this site for the next 30 years will be dedicated to the trust funds for redeveloping the Naranja Lakes CRA.

ECONOMIC ANALYSIS

1. Economic impact of the ordinance on the County's budget:

There will be no impact on the County's budget in terms of Department of Planning and Zoning budgeting, staffing or operating expenses. This ordinance, however, does amend the Comprehensive Development Master Plan (CDMP) which is the County's official guide for managing countywide growth and development. In this regard, the ordinance may indirectly impact the County's budget through amendments that affect the County's land use patterns and its provision of services and facilities. Capital and operating unit costs for public facilities and services can be lessened through promotion of efficient land use patterns. Higher density contiguous development is relatively more efficiently served than low-density or scattered development. In general, the CDMP is aimed at achieving this result.

2. Economic impact of the ordinance on the private sector:

Approval of the ordinance will have an insignificant impact on the private sector. Certain applications to amend the Land Use Element could increase the value of affected land parcels. In a countywide sense, however, the economic outlook will remain essentially unchanged by enactment of this ordinance.

3. Effect of the ordinance on public or private employment:

Adoption of this ordinance will have no significant impact on projected employment for the County as a whole, or in any statistical subdivision.

4. Costs and benefits, both direct and indirect, of establishing and maintaining the program set forth in the ordinance:

See response to item 1, above.

5. Whether the ordinance is necessary to enable the County to obtain State or federal grants or other financing:

No.

6. Whether another ordinance which is already in existence should be repealed or amended:

No.

7. Whether the creation of a new ordinance is the best method of achieving the benefit derived:

Section 2.116.1, Code of Miami-Dade County, and Section 163.3184(15), Florida Statutes, provide that the CDMP may be amended only by ordinance.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 21, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Special Item No. 1

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

Approved _____ Mayor

Veto _____

Override _____

Special Item No. 1
10-21-04

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATIONS FILED IN
OCTOBER 2003 CYCLE TO AMEND, MODIFY, ADD TO OR
CHANGE COMPREHENSIVE DEVELOPMENT MASTER
PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM
THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes; and

WHEREAS, seven CDMP amendment applications were filed on or before October 30, 2003 and are contained in the document titled "October 2003 Applications to Amend the Comprehensive Development Master Plan" dated December 5, 2003; and

WHEREAS, affected Community Councils, the Planning Advisory Board, and the Department of Planning and Zoning have acted in accordance with the referenced State and County procedures and have accepted applications, held public hearings and issued recommendations for disposition of the small-scale amendment requests; and

WHEREAS, on May 5, 2004, this board, by Resolution, instructed the County Manager to transmit certain applications to the Florida Department of Community Affairs (DCA) pursuant to Section 163.3184(3), F.S.; and

WHEREAS, the DCA reviewed certain applications at the request of this Board and has transmitted written comments pursuant to Section 163.3184 (6)(c), F.S.; and

WHEREAS, the Board of County Commissioners must take final action to Adopt, Adopt With Change or Not Adopt amendment applications not later than sixty (60) days after receipt of written comments from DCA addressing the application(s); and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board of County Commissioners, in conjunction with a particular zoning action, finds such preexisting zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending amendment applications filed for review during the October 2003 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP	Final Commission Action
1	Cornerstone Group Assoc. Inc. /Jeffrey Bercow, Esq. and Melissa Tapanes Llahues, Esq. Property is located on the east side of NW 6 Avenue between NW 159 Street and NW 161 Street (7.25 Acres) FROM: Low Density Residential TO: Low-Medium Density Residential	
2	Cornerstone Group Assoc. Inc./Jeffrey Bercow, Esq. and Michael Larkin, Esq. Property is located North of NW 84 Street and 380 feet west of NW 27 Avenue (2.5 Acres of 5.39 net Acres) FROM: Business and Office TO: Medium Density Residential	
3	Cornerstone Group Assoc. Inc./Jeffrey Bercow, Esq. and Michael Larkin, Esq. Property is located on the east side of NW 27 Avenue between NW 77 Street and NW 78 Street. (5.369 of 6.1-acre parent tract) FROM: Industrial and Office TO: Medium Density Residential	
4	Karlton 54th Street Associates, LLC, a Florida limited liability company/Carter N. McDowell, Esq. and Brian S. Adler, Esq. Property is located 75 feet west of SW 57 Avenue between SW 16 Street and SW 17 Street (1.78 Acres) FROM: Low Density Residential TO: Business and Office	
5	Silver Group 137, Inc./Juan J. Mayol, Jr., Esq. and Stephen M. James, Esq. Property is located on the west side of SW 137 Avenue at theoretical SW 164 Street (7.84 Acres) FROM: Industrial and Office TO: Office/Residential	
6	Manuel C. Diaz/ Joseph G. Goldstein, Esq. and Alan S. Krischer, Esq. Property is located on the approximately 995 feet south of SW 248 Street fronting on the Florida Turnpike Access Ramp (6.32 Acres) FROM: Low Density Residential and Office/ Residential TO: Office/Residential	

Application Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP	Final Commission Action
7	Lucky Start at Centraland, LLC/ Jeffrey Bercow, Esq. and Graham Penn, Esq. Property is located on the southwest corner of SW 137 Avenue and SW 272 Street (9.99 Acres) FROM: Low-Medium Density Residential TO: Business and Office	

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any application, or portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remaining applications adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance (overall amendment) shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, however, the effective date of any individual plan amendment included within the overall amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any [individual] plan amendment approved by this ordinance [and included within the overall amendment] shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the [individual] amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such [individual] amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this [individual] amendment may nevertheless be made effective by

adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. RA6

Prepared by: RZK

Robert L. Krawcheck